

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION



Tyler Rodick

Complaint for a Civil Case

Case No.

4:21-cv-408-JAM

(to be filled in by the Clerk's Office)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

NCS Pearson, Inc.

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

REQUEST FOR TRIAL BY JURY

Plaintiff requests trial by jury. ☐ Yes ☒ No

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Tyler Rodick
Street Address	303 Darrel CT Apt 3
City and County	Liberty, Clay
State and Zip Code	MO 64068
Telephone Number	816-368-1274
E-mail Address	twkav@kc.rr.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	NCS Pearson, Inc.
Job or Title (if known)	
Street Address	5601 Green Valley DR
City and County	Bloomington
State and Zip Code	MN 55437
Telephone Number	800-466-0450
E-mail Address (if known)	

Defendant No. 2

Name	
Job or Title (if known)	
Street Address	
City and County	

State and Zip Code _____

Telephone Number _____

E-mail Address _____
(if known)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the designated information for this type of case. *(Check all that apply)*

☒ Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Americans With Disabilities Act, 42 U.S.C. 12101 et seq.

28 CFR Part 36 Section 36.309

☐ Suit against the Federal Government, a federal official, or a federal agency

List the federal officials or federal agencies involved, if any.

☐ Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

A. The Plaintiff(s)

The plaintiff, *(name)* _____, is a citizen of the State
of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

B. The Defendant(s)

1. If the defendant is an individual

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

2. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

C. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s) owes or the amount at stake----is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of FACTS that support your claim. Do not make legal arguments. You must include the following information:

- What happened to you?
- What injuries did you suffer?
- Who was involved in what happened to you?

- How were the defendants involved in what happened to you?
- Where did the events you have described take place?
- When did the events you have described take place?

If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I was discriminated against by the above-captioned defendant, NCS Pearson, Inc.

based upon my disability (blindness).

This is due to the defendant's online-proctoring software not being compatible with screen readers.

I was attempting to take a certification exam from home and have been harmed because I cannot test using the modality that I wish to use. The defendant requires anyone with disabilities to test at one of their test centers, and it is not possible to test at home if one lives far away from a center and cannot afford transportation. This discrimination occurred today, April 30, 2021.

I was advised by Dan (last name unknown), a supervisor in the defendant's accommodations office, of this fact on a recorded line.

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

Permanent injunction requiring modification of online proctoring software (OnVUE) to be screen-reader compatible.

Do you claim the wrongs alleged in your complaint are continuing to occur at the present time?

Yes ☒

No ☐

Do you claim actual damages for the acts alleged in your complaint?

Yes ☐

No ☒

Do you claim punitive monetary damages?

Yes ☒

No ☐

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06-09-2021, 20/s/ T

Signature of Plaintiff

Tyler Rodick

Digitally signed by Tyler Rodick
Date: 2021.06.09 15:51:21 -05'00'

Printed Name of Plaintiff

Tyler Rodick